

CITY COUNCIL MINUTES

City Council Chambers
April 22, 1997

The meeting was called to order at 5:06 p.m.

Present on roll call: 9 - Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole.

The Flag Salute was led by Deputy Mayor Baarsma.

CONSENT AGENDA

RESOLUTIONS

Resolution No. 33675

Setting Monday, May 12, 1997, at 5:00 p.m., as the date for a hearing by the Hearing Examiner on LID No. 8600 for the placement of permanent pavement with storm drainage located on the alley between M Street and Sheridan Avenue from South 25th to South 27th Streets.

Resolution No. 33676

Setting Tuesday, May 27, 1997, at approximately 6:00 p.m., as the date for a public hearing by the City Council on the Six-Year Comprehensive Transportation Program for 1998 through 2003 and the Amended 1997 Street Program.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

- a. Minutes of the meeting of the Appointments Committee, April 14, 1997.
- b. Minutes of the meeting of the Arts Commission, March 10, 1997.
- c. Agenda of the Foss Waterway Development Authority, April 17, 1997.
- d. Minutes of the meeting of the Foss Waterway Development Authority, April 3, 1997.
- e. Agenda and amended minutes of the meeting of the Library Task Force, March 27, 1997.
- f. Minutes of the meeting of the Tacoma Public Library Board of Trustees, February 19, 1997.

- g. Statements by City employees disclosing remote interests pursuant to Tacoma Municipal Code 1.46.030(O) as follows:

<u>Name</u>	<u>Affiliation</u>
Patricia Flynn	American Cancer Society
Peter Guzman	Private Industry Council

- h. Monthly Financial Reports for Belt Line Division, Light Division, Water Division, Data Processing Fund, Fleet Services Fund, Self-Insurance Claim Fund, Conservation Project Fund, and Geographic Information System Fund, February 1997.
- i. State of Washington Revenue Research Report, January - February 1997.

Council Member Miller moved that the Consent Agenda, including Resolution Nos. 33675 and 33676, be approved. Seconded by Council Member Crowley. Voice vote was taken and carried. The Consent Agenda, including Resolution Nos. 33675 and 33676, was declared approved.

RECOGNITIONS/PROCLAMATIONS

Mayor Ebersole called on Ms. Sue Mauermann, Department of Ecology, who presented Mr. Craig Wattles with the Environmental Excellence Award.

Mayor Ebersole proclaimed April 27-29, 1997, as "Volunteer Recognition Days" and presented the proclamation to Ms. Jackie Pierce-Droge, Director of the Community Involvement and Action Center, University of Puget Sound.

REGULAR AGENDA

ANNOUNCEMENTS, PRESENTATIONS AND APPOINTMENTS

Resolution No. 33677

Appointing Virginia Anderson to the Foss Waterway Development Authority.

Council Member Evans moved that the Resolution be adopted. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The Resolution was declared adopted.

FINAL READING OF ORDINANCES

Ordinance No. 26055

Authorizing the execution of an amendment to the grant award contract with the Washington State Military Department; in the amount of \$17,984 to a total of \$27,771; accepting and depositing \$17,984 into the General Fund; and appropriating \$27,771 from the General Fund to support Emergency Management planning activities through September 30, 1997.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

Ordinance No. 26056

Amending Chapter 1.12 of the Municipal Code to implement changes in classifications to reflect the organizational structure.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

Ordinance No. 26057

Authorizing the execution of a grant award contract with the United States Equal Employment Opportunity Commission, in the amount of \$46,300; accepting, depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund to process and resolve employment discrimination charges and for training.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

Ordinance No. 26058

Authorizing the execution of an agreement with Pierce County, in the amount of \$8,000; accepting, depositing in and appropriating said sum from the Miscellaneous Grants Summary Fund in support of the Tacoma-Pierce County Child Care Resource and Referral Service through December 31, 1997.

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Ordinance was declared passed.

FIRST READING OF ORDINANCES

Ordinance No. 26059

Vacating the alley between Puyallup Avenue and East 25th Street, from East K to East L Streets, to combine the vacated areas abutting the properties to provide usable space in the existing industrial area. (Savage Wholesale Building Materials, Inc., et al.; File No. 124.1047)

Council Member Evans moved to Concur in the Findings, Conclusions and Recommendations of the Hearing Examiner. Seconded by Deputy Mayor Baarsma. Voice vote was taken and carried. The motion was declared adopted.

The Ordinance was set over for final reading to a date to be determined.

Ordinance No. 26060

Authorizing the execution of a Purchase and Sale Agreement with Food & Fun Company, in the amount of \$800,000, to purchase the "Top of the Ocean" property located at 2217 Ruston Way; providing \$362,000 from the Capital Improvements Summary Fund and \$438,000 from the Miscellaneous Trust Summary Fund; and appropriating \$438,000 from the Miscellaneous Trust Summary Fund for said purpose.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Anita Preston	Old Town Resident
Will Baker	809 South I Street

The Ordinance was set over for final reading next week.

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RESOLUTIONS

Purchase Resolution No. 33678

Awarding contracts to:

1. T. Miller Construction, on its bid of \$80,217, for citywide hazardous sidewalk replacement - State Aid No. SA3029; Federal Aid No. STPE-EN96(002); Specification No. G-207-97;
2. Granich Engineering, Inc., in the amount of \$46,150, for Consolidated Electric pump control systems - Sole Source;
3. Woodworth and Company, Inc., in the amount of \$78,512.81, for the Schuster Parkway clean-up and citywide residential storm debris pickup, from Starr to South 4th Streets - Emergency P.O. No. 53751;
4. Sound Tree Service, in the amount of \$13,200, to increase their contract for emergency removal of hazardous tree limbs - Emergency P.O. No. E53759;
5. Rich's Tree Service, in the amount of \$40,000, to increase their contract for emergency removal of hazardous trees - Specification No. G-074-96;
6. Business Interiors Northwest, in the amount of \$100,000, to increase and extend their contract for panel system furniture - Tacoma Public Utilities/Light Division Request for Proposal;
7. Harbor Medical, Inc., in the amount of \$66,580.03, to increase and extend their contract for medical supplies - Specification No. G-004-96; and
8. Sam's Tire Service, in the amount of \$200,000, to renew their contract for tires and tubes - Washington State Contract No. 01195.

Council Member Miller moved to waive further reading of the Purchase Resolution and that the Purchase Resolution, including waiving formal bidding procedures on Item Nos. 2, 3 and 4, be adopted. Seconded by Council Member Crowley.

Speaking before the Council were:

Name	Address/Affiliation
Will Baker	809 South I Street
Phyllis Barrett	912 South Cushman
Marie Dudley	520 North L Street

Voice vote was taken and carried on the Purchase Resolution. The Purchase Resolution, including waiving formal bidding procedures on Item Nos. 2, 3 and 4, was declared adopted.

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Resolution No. 33679

Authorizing the execution of an Addendum to the Purchase and Sale Agreement with New Woodland Hills Corporation, in the amount of \$400,000, for the replacement of alleged defective drain pipe in the Olympic Ridge Apartments.

Council Member Crowley moved to suspend the rules to consider Substitute Resolution No. 33679. Seconded by Council Member Miller. Voice vote was taken and carried. The motion was declared adopted.

Council Member Miller moved that Substitute Resolution No. 33679 be adopted. Seconded by Council Member Evans.

Speaking before the Council were:

Name	Address/Affiliation
Phyllis Barrett	912 South Cushman
Will Baker	809 South I Street

Voice vote was taken and carried on the Substitute Resolution. The Substitute Resolution was declared adopted.

Resolution No. 33680

Authorizing the submittal of a grant application to the Executive Office for Weed and Seed of the United States Department of Justice in the amount of \$200,000 for the reduction of gang activity and violence, the establishment of safe havens in the Hilltop and Eastside neighborhoods, translation and interpreter services and a part-time project coordinator.

Council Member Miller moved that the Resolution be adopted. Seconded by Council Member Silas.

Speaking before the Council were:

Name	Address/Affiliation
Kate Greenquist	Law Enforcement and Community Coordination Manager-U.S. Attorney's Office
Assistant Chief Charles Meinema	Tacoma Police Department
Phyllis Barrett	912 South Cushman
Will Baker	809 South I Street

Voice vote was taken and carried. The Resolution was declared adopted.

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Resolution No. 33681

Authorizing the submittal of two grant applications to the Interagency Committee for Outdoor Recreation, for Urban Wildlife Habitat funds, in the amount of \$900,000, and for Local Parks funds, in the amount of \$500,000, for the acquisition of property at Wapato Hills.

Council Member Evans moved that the Resolution be adopted. Seconded by Deputy Mayor Baarsma.

Speaking before the Council were:

<u>Name</u>	<u>Address/Affiliation</u>
Skip Vaughn	Wapato Hills Task Force
Anita Preston	Old Town Resident
Carl Schuerman	6811 South Wapato
Stephen Fisher	5440 South State Street
Dan Mullholland	Wapato Hills Task Force
Armon Thompson	5635 South Fife

Roll call vote was taken, resulting as follows:

Ayes: 9 – Baarsma, Crowley, De Forrest, Evans, Kirby, McGavick, Miller, Silas, and Mayor Ebersole

Nays: 0

The Resolution was declared adopted.

PUBLIC HEARINGS AND APPEALS

Michael Higgins, appealing the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner relative to the Final Assessment Roll for Dangerous Sidewalk Repair and Replacement located at 1421 North 10th Street. (Michael Higgins; File No. SCF 94-1)

Council Member Miller moved to continue the appeal of Michael Higgins v. City of Tacoma to the meeting of April 29, 1997. Seconded by Council Member Silas. Voice vote was taken and carried. The motion was declared adopted.

The appeal of Michael Higgins v. City of Tacoma will be considered at the regular City Council meeting of April 29, 1997.

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UNFINISHED BUSINESS

None.

REPORTS BY CITY MANAGER

City Manager Ray E. Corpuz, Jr., requested an Executive Session to discuss pending litigation, the session not to exceed 15 minutes.

COMMENTS AND COMMITTEE REPORTS OF CITY COUNCIL

Council Member Kirby reminded the Council and the audience that tomorrow, April 23, 1997, is "Secretary's Day," and that everyone should give proper recognition to the appropriate people.

Council Member Miller requested language be placed in the Council Rules of Procedure to address what action will occur for transgressions or failure to abide by the rulings of the Chair for citizens testifying. He stated that he defends the right of any citizen to speak on any matter before the Council, but that they have to abide within the decorum of this venue and by the rulings of the Chair.

Mayor Ebersole stated that as the presiding officer, under Council Rule 2, he was responsible for preserving the order and decorum in the Council Chambers, and Roberts Rules of Order, which also apply to the Council, under Rule 10, Subsection 7, states that all persons present at a meeting have an obligation to obey the legitimate orders of the presiding officer. He stated that transgressions or failures to abide by the rulings of the Chair could result in an arrest.

Council Member Miller thanked Mayor Ebersole and stated that it would do us well to reiterate those procedures in the Rules of Procedure of the Council as opposed to referencing Roberts Rules of Order so citizens who come to speak before the Council have dual notice in the Council's Rules regarding the actions that might occur.

Mayor Ebersole stated that he thought that, out of the hundreds and hundreds of people that address the Council each year, 99.9 percent of them handle themselves with great decorum and respect in the public forum in which they find themselves. He stated that there is not a wide-spread problem, but it is good to be mindful of the rules of decorum and what the end result might be.

Council Member Evans stated that when a direct misstatement of fact is made on television to our audience, as well as in the chamber, an immediate response may be warranted.

Council Member Evans then stated that he has been approached many times about painting the 509 Bridge. He stated that while staff was debating the painting issue, the State apparently sealed it Walla Walla gray with a transparent sealer. Council Member Evans stated that what concerned him was the lack of communication. He stated the Council had talked about this in at least two Study Sessions and he had approached

the staff more than once, and now the painting issue is no longer really feasible. He stated that there should have been some communication with the State Department of Transportation regarding this issue.

Council Member Evans then stated that he had noticed there was a communication from the Tacoma-Pierce County Chamber of Commerce unveiling a billboard. He stated that on the one hand the billboards are being endorsed with great enthusiasm, and on the other hand being fought tooth and nail. He wondered if this indicated the Council's lack of attention to the billboards matter by going in all directions.

Council Member Evans then commented on a proposed 83-foot steel tower, which is proposed to be erected at North 27th and Proctor Streets, at the U.S. West facility. He stated it would be higher than any other tower in the northern half of the City. He requested that the Council be provided with full information prior to approval of the tower.

Council Member Evans then announced that a State Bill, designed by the tobacco industry to block prevention activities and give tobacco retailers latitude to avoid penalties for selling tobacco to minors, died in the State House and Senate. He said it was a small victory to be celebrated.

Council Member Silas requested that the City Manager have a staff member contact the De Long Wetland Group to look into wetland preservation in that area.

Deputy Mayor Baarsma reported on the two-day Deming event at the Tacoma Dome. He stated that 450 people attended the event, exceeding their goal of 400, to meet, share and work through this notion of collaborative partnerships. Deputy Mayor Baarsma stated that one of the participants indicated that this was one of the most significant experiences he had in some time in learning to be a better and more effective person. Deputy Mayor Baarsma stated that it was a very successful outcome and the effort will continue. He stated that representatives from the Deming Institute will be returning to Tacoma in May and June and will have continuous, ongoing training sessions to learn the specific tools they can apply in problem solving.

Deputy Mayor Baarsma then reported on the other South Tacoma, Barcelona connection, John Kitna, who once again led the Barcelona Dragons to victory by throwing two touchdown passes over the weekend.

Council Member McGavick stated that last Saturday several of the Council Members participated in the Grand Daffodil Festival Parade. She stated that she was impressed at how many citizens had come out in that kind of weather to watch the parade. Council Member McGavick stated that she knows that the Daffodil Festival has had financial problems and asked the City Manager or the Mayor if a small group of people from the City Council and staff could meet with the Daffodil Festival people to look at how the City might help either with staff time, financially or in other ways.

Mayor Ebersole thanked all the citizens who supported the Daffodil Parade on Saturday in spite of the rain. He then complimented the Puyallup Tribe for the opening of the Gaming Casino on the Tacoma Tideflats. He stated he attended the opening reception

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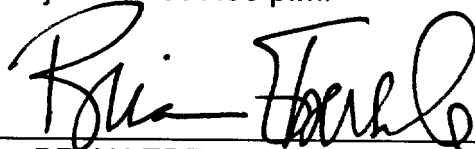
on Saturday night and that it was an extremely well attended event. Mayor Ebersole stated that it appeared to be a very well run casino and that people were having a great time. He stated it was an extraordinary phenomena in our City and hopes it continues to be a successful venture.

Council Member Evans moved to recess to Executive Session to discuss pending litigation, the session not to exceed 15 minutes. Seconded by Council Member Crowley. Voice vote was taken and carried. The motion was declared adopted.

Council recessed to Executive Session at 7:20 p.m. and reconvened at 7:35 p.m.

Council Member Evans moved to authorize the City Attorney's Office to settle the case of Herried, et al. v. City of Tacoma, et al., Pierce County Superior Court Cause No. 93-3-00211-0, for the amount of \$125,000. Seconded by Council Member Silas. Voice vote was taken and carried, with Deputy Mayor Baarsma and Council Member De Forrest voting in opposition. The motion was declared adopted.

On proper motion, the meeting was adjourned at 7:36 p.m.


BRIAN EBERSOLE, MAYOR

ATTEST: 
RICK ROSENBLADT, CITY CLERK

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